

NOV 19 2012



S-128066

No.

Vancouver Registry

In the Supreme Court of British Columbia
Civil Forfeiture Action *in Rem* Against

The Lands and Structures situated at 3598 East Georgia Street, Vancouver, British Columbia and having a Legal Description of Parcel Identifier 006-718-230, Lot 16, Block 88, Plan VAP2813, Part S1/2, District Lot THSL, New Westminster Land District, as appropriate and the Proceeds therefrom (the "East End HAMC Clubhouse ") and the Lands and Structures situated at 837 Ellis Street, Kelowna, British Columbia and having a Legal Description of Parcel Identifier 004-212-690, Lot 14, Block 8, District Lot 9, Osoyoos Division, Yale District, Plan 1306, as appropriate and the Proceeds therefrom (the "Kelowna HAMC Clubhouse ") (collectively, the "Properties")

Between

Director of Civil Forfeiture

Plaintiff

and

The Owners and all Others Interested in the

Properties, in Particular Jean Joseph Violette also known as Jean Violette, Ronald Barry Cameron, John Peter Bryce, Mitchell Kenneth Riley, Michael Mitchell, Stanley Thomas Gillis, Kelly Arthur Schofield, Michael John Christiansen, John Virgil Punko, Kim Blake Harmer, Hans Frederiek Kurth, Joseph Bruce Skreptak, Lester Jones, David Francis Giles, Richard Christian Goldammer, Robert Leonard Thomas, Norman Robert Cocks, Michal Zdenek Zikmund also known as Michal Zikmund, Brian Montgomery Oldham, Greg Steven Holomay also known as Grey Steven Holomay and Damiano Di Popolo

Defendants

NOTICE OF CIVIL CLAIM – CIVIL FORFEITURE (IN REM)

Name and address of each plaintiff:

Director of Civil Forfeiture
c/o Ministry of Justice, Legal Services Branch
PO Box 9280 STN PROV GOVT,
1001 Douglas Street,
Victoria BC V8W 9J7
Via Fax (250) 387-4002

Description of property:

1. The Lands and Structures situated at 3598 East Georgia Street, Vancouver, British Columbia and having a Legal Description of Parcel Identifier 006-718-230, Lot 16, Block 88, Plan VAP2813, Part S1/2, District Lot THSL, New Westminster Land District (the "East End Clubhouse");
2. The Lands and Structures situated at 837 Ellis Street, Kelowna, British Columbia and having a Legal Description of Parcel Identifier 004-212-690, Lot 14, Block 8, District Lot 9, Osoyoos Division, Yale District, Plan 1306 (the "Kelowna Clubhouse")

To the defendant(s):

TAKE NOTICE that this action has been started against you by the plaintiff for the claim(s) set out in this notice of civil claim.

IF YOU INTEND TO RESPOND TO this action, or if you have a set-off or counterclaim that you wish to have taken into account at the trial, YOU MUST FILE a response to civil claim in Form 2 in the above registry of this court within 21 days after being served with a copy of the filed notice of civil claim and SERVE a copy of the filed response to civil claim on the plaintiff's(s') address for service.

YOU OR YOUR LAWYER may file the response to civil claim.

APPLICATION FOR JUDGMENT AGAINST THE PROPERTY MAY BE MADE IF YOU FAIL to file the response to civil claim within 21 days after being served with a copy of the filed notice of civil claim.

CLAIM OF THE PLAINTIFF

Part 1: STATEMENT OF FACTS

1. The plaintiff is appointed pursuant to, and derives his authority from, the *Civil Forfeiture Act* SBC 2005, c. 29 (the "*Act*").

The Properties

- (a) The East End HAMC Clubhouse

2. The defendants, Mitchell Kenneth Riley and Michael Mitchell have been the registered owners of the East End Clubhouse at times relevant to this action. The East End Clubhouse is operated and known as a local clubhouse of a chapter of the Hells Angels Motorcycle Club ("HAMC"). Some or all of the value in the East End HAMC Clubhouse was acquired and has been retained with the intent and for the specific purpose of providing a clubhouse in east Vancouver for the members of the HAMC.
3. Some or all of the members of the East End chapter of the HAMC, including the defendants: Joseph Violette also known as Jean Violette, Ronald Barry Cameron, John Peter Bryce, Stanley Thomas Gillis, Kelly Arthur Schofield, Michael John Christiansen, John Virgil Punko and Kim Blake Harner hold an unregistered beneficial interest in the East End HAMC Clubhouse.
4. At material times, the East End Chapter has included of some or all of the following members, Joseph Violette also known as Jean Violette, Ronald Barry Cameron, John Peter Bryce, Mitchell Kenneth Riley, Michael Mitchell, Stanley Thomas Gillis, Kelly Arthur Schofield, Michael John Christiansen, John Virgil Punko, George Pires, Chico Pires, Carlo Fabbiano, Ronaldo Lising, Hans Frederick Kurth, Lloyd George Robinson, David Francis Giles, Randall Richard Potts, Damiano Di Popolo, Jules Stanton and Kim Blake Harner (the "East End Chapter").
5. All or some portion of the equity in the East End HAMC Clubhouse was acquired by or with funds provided by members of the East End Chapter, or was transferred by members of the East End Chapter at less than fair market value.

(b) The Kelowna HAMC Clubhouse

6. The defendants, Hans Frederick Kurth and Richard Christian Goldammer have been the registered owners of the Kelowna HAMC Clubhouse at times relevant to this action.

The Kelowna Clubhouse is operated and known as a local clubhouse of a chapter of the “HAMC”. Some or all of the value in the Kelowna HAMC Clubhouse was acquired and has been retained with the intent and for the specific purpose of providing a clubhouse in Kelowna for the members of the HAMC.
7. Some or all the members of the Kelowna chapter of the HAMC, including the defendants, Joseph Bruce Skreptak, Lester Jones, David Francis Giles, Robert Leonard Thomas, Norman Robert Cocks, Michal Zdenek Zikmund also known as Michal Zikmund, Brian Montgomery Oldham, Greg Steven Holomay also known as Grey Steven Holomay and Damiano Di Popolo hold an unregistered beneficial interest in the Kelowna HAMC Clubhouse.
8. At material times, the Kelowna Chapter has included some or all of the following members, Hans Frederick Kurth, Carlo Verna, Joseph Bruce Skreptak, Lester Jones, David Francis Giles, Richard Christian Goldammer, Robert Leonard Thomas, Norman Robert Cocks, Michal Zdenek Zikmund also known as Michal Zikmund, Brian Montgomery Oldham, Greg Steven Holomay also known as Grey Steven Holomay and Damiano Di Popolo (the “Kelowna Chapter”).

9. All or some portion of the equity in the Kelowna HAMC Clubhouse was acquired by or with funds provided by members of the Kelowna Chapter, or was transferred by members of the Kelowna Chapter at less than fair market value.
10. The Interior Savings Credit Union holds a mortgage against the Kelowna HAMC Clubhouse registered under instrument number KP7452 (the “Interior Savings Credit Union Mortgage”).
11. The Crown in right of Canada has registered a judgment against Mr. Kurth’s one half interest in the Kelowna HAMC Clubhouse (the “CRA Judgment”).

The Hells Angels Motorcycle club

12. The Hells Angels Motorcycle club (“HAMC”) is a worldwide organization comprised of a number local ‘chapters’, each including a number of individual members.
13. Most chapters of the HAMC, and the overall organization, are unincorporated associations. There are several chapters of the HAMC in Canada. Each of the chapters of the HAMC in Canada is comprised of 3 or more persons.
14. One of the main purposes of the HAMC and/or several of its chapters and/or portions of its membership in Canada, including members of the chapters described below, is the facilitation or commission of serious offences that, if committed, would likely result in the direct or indirect receipt of material benefits by some or all of the persons who comprise the HAMC or its chapters.

15. The HAMC is affiliated with several other motorcycle clubs which have similar purposes to its own. Some members of these clubs and other individuals who aspire to become members of the HAMC contribute to or participate in the commission of serious offences for the benefit of and/or at the direction of members of the HAMC.

The Defendants

16. Members from the East End Chapter, solely, or in concert with other chapters of the HAMC expanded HAMC activities and presence in the Okanagan region of British Columbia by setting up the Kelowna Chapter of the HAMC in Kelowna, British Columbia.
17. The East End Chapter and the Kelowna Chapter are chapters of the HAMC associated with and based in communities in British Columbia.
18. Some or all of the members of the East End Chapter and Kelowna Chapter carry on business or have carried on business in common with one another and the registered owners of their respective clubhouses with a view to profit in accordance with an express or implied agreement. The business carried on for profit includes both legitimate enterprises and the unlawful activities described below.
19. Some or all of the defendants have made financial and “in kind” contributions to the acquisition, preservation, maintenance and improvement of the East End HAMC Clubhouse and the Kelowna HAMC Clubhouse. Those contributions were substantial and:
- a. resulted in a material deprivation to the contributors;

- b. were not made on the basis of a contractual arrangement or in exchange for remuneration;
 - c. resulted in an enrichment of the registered and unregistered owners of the respective clubhouses.
- 20. The registered owners of the East End HAMC Clubhouse and the Kelowna HAMC Clubhouse acquired, hold and have provided the clubhouses on behalf of and/or for the exclusive use and benefit of members of the East End Chapter and Kelowna Chapter respectively and, with their permission, other members and associates of the HAMC.
- 21. For some or all of the time the registered owners have owned the clubhouses, the two clubhouses have been in the possession and control of the membership of the East End Chapter and the Kelowna Chapter respectively.
- 22. The membership of the HAMC has physical control over the East End HAMC Clubhouse and the Kelowna HAMC Clubhouse. Some or all of the defendants exercise actual authority to control access to the two clubhouses and share such authority among them to the exclusion of persons who are not members of the HAMC.

Particulars of the Clubhouses

- 23. The East End HAMC Clubhouse and the Kelowna HAMC Clubhouse have been modified, customized and equipped to provide protection from detection, potential enemies and police infiltration.

24. The East End HAMC Clubhouse and the Kelowna HAMC Clubhouse are made available for the exclusive use and occupation by members of the East End Chapter and Kelowna Chapter and with their permission, members and associates of the HAMC for the purpose of enhancing the ability of those members and their associates to facilitate or commit indictable offences against the *Criminal Code*, the *Controlled Drugs and Substances Act* and other Acts of Parliament without detection and in a safe environment.
25. The East End HAMC Clubhouse and the Kelowna HAMC Clubhouse have been used to engage in unlawful activities. Those unlawful activities, including some or all of the following or similar activities, variously resulted in or were likely or intended to result in the acquisition of property or serious bodily harm to a person:
- a. the production of, possession of, importing/exporting of and/or trafficking in controlled substances, including, but not limited to cocaine, marihuana, methamphetamine;
 - b. committing assaults which caused serious bodily harm to a person;
 - c. committing extortions;
 - d. committing the offence of uttering threats;
 - e. committing manslaughter or murder;
 - f. trafficking in controlled substances contrary to the *CDSA*, including, but not limited to, cocaine;

- g. committing possession of restricted and/or prohibited firearms and other weapons offences; and
- h. other criminal offences and/or *CDSA* offences intended to benefit the East End Chapter;
- i. conspiring to commit, aiding and/or abetting any of the above;
- j. committing, directing or instructing any of the above for the benefit of one or more criminal organizations

all of which do or are intended to result in the acquisition of property or cause serious bodily harm to a person.

26. The Kelowna HAMC Clubhouse and the East End HAMC Clubhouse have been used and will likely continue to be used to engage in unlawful activities for the benefit of, in association with, at the direction of, or to enhance the ability of a criminal organization, namely, the East End Chapter and Kelowna Chapter to commit indictable offences by:
- a. serving as a symbol of the HAMC, including particularly the East End Chapter and the Kelowna Chapter, current and potential associates of those chapters and the HAMC and rival organizations of those chapters presence and influence in the local area in order to facilitate the commission of unlawful activities;
 - b. providing members with a local bases of operations that is a safe place for groups of 3 or more to conspire with each other or to instruct persons about the commission of unlawful activities;

- c. allowing members to commit unlawful activities in secrecy;
- d. providing a secure and appropriate environment in which to recruit of potential members, associates or allies;
- e. a safe and secure location to store member information for that chapter and other chapters to facilitate the further commission of unlawful activities.

27. Each of the activities described in paragraphs 24 – 26 were committed:

- a. for the benefit of one or more of the individuals directly involved in specific activity;
- b. for the purpose of enhancing the ability of a criminal organization, including all or some portion of the East End Chapter and/or Kelowna Chapter of HAMC to commit indictable offences;
- c. for the benefit of, at the direction of or in association with a criminal organization, including all or some portion of the East End Chapter, Kelowna Chapter and/or the HAMC.

28. Proceeds of some or all of the above described unlawful activities have been applied to maintain, improve or reduce the indebtedness against the East End HAMC Clubhouse and the Kelowna HAMC Clubhouse.

29. If the defendants retain ownership, access or possession of the East End HAMC Clubhouse or the Kelowna HAMC Clubhouse either or both of those properties are likely to be used to engage in and/or facilitate unlawful activities similar or related to those

described above. Those activities would be intended to or may in fact result in the acquisition of property, and/or serious bodily harm to a person.

Part 2:RELIEF SOUGHT

30. An order under s. 5(1) of the *Act* that the interest of some or all of the defendants in the East End HAMC Clubhouse and the Kelowna HAMC Clubhouse and the fruits or proceeds therefrom, be forfeited to Her Majesty the Queen in right of the Province of British Columbia (the “Government”).
31. An order under s. 5(2) of the *Act* that the interest of some or all of the defendants in the East End HAMC Clubhouse and the Kelowna HAMC Clubhouse and the fruits or proceeds therefrom, be forfeited to the Government.
32. An order under s. 13(1) of the *Act* that the interest held by Interior Savings Credit Union pursuant to the Interior Savings Credit Union Mortgage be protected.
33. An order under s. 13(1) of the *Act* that the interest held by Crown in right of Canada as against Mr. Kurth’s interest in the Kelowna HAMC Clubhouse be protected.
34. An order under s. 7(1) of the *Act* that the effective date of forfeiture to the Government is the date the Plaintiff files a Notice of Commencement of Proceedings in the land title office under s. 23(1) of the *Act* in relation to the East End HAMC Clubhouse and the Kelowna HAMC Clubhouse.

35. An order under s. 14(1) and (b) of the *Act* that the land title office vest title in the defendants' interests in East End HAMC Clubhouse and the Kelowna HAMC Clubhouse in the Government.
36. An order that any proceeds realized from the sale of the East End HAMC Clubhouse and the Kelowna HAMC Clubhouse be paid into the civil forfeiture account.
37. Costs.

Part 3: LEGAL BASIS

38. Under s. 3(1) of the *Act*, the plaintiff may apply to the BC Supreme Court for an order forfeiting to the Government property located in British Columbia that is proceeds of unlawful activity.
39. Under s. 3(2) of the *Act*, the plaintiff may apply to the court for an order forfeiting to the Government property that is an instrument of unlawful activity.
40. Under s. 5(1) and (2) of the *Act*, the court must forfeit property that is the proceeds or instrument of unlawful activity.
41. All of the unlawful activities described above are or were offences under an Act of Canada or British Columbia at the time they were committed.
42. Each of the unlawful activities described in paragraphs 24 -- 26:
 - a. did, were intended to, or are likely to result in the acquisition of property;
 - b. did or may cause serious bodily harm to a person; or

c. both.

43. The defendants' equity in the East End HAMC Clubhouse and the Kelowna HAMC Clubhouse is in whole or in part proceeds or an instrument of unlawful activity.
44. The East End HAMC Clubhouse and the Kelowna HAMC Clubhouse are instruments of unlawful activity because they were used, or are likely to be used, to facilitate either or all of the activities described in paragraphs 24 – 26 or similar activities.

Plaintiff's address for service: 1001 Douglas Street, Victoria BC V8W 9J7


Fax number address for service: (250) 387-4002

E-mail address for service: AGLSBCivilForfeiture@gov.bc.ca

Place of trial: Vancouver, BC

The address of the registry is: 800 Smithe Street, Vancouver, BC

Date: 19/NOV/2012



Signature of Peter Ameerali
☐ plaintiff ☒ lawyer for plaintiff